

**UNITED STATES OF AMERICA  
BEFORE THE  
NATIONAL LABOR RELATIONS BOARD**

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**HYDE LEADERSHIP CHARTER SCHOOL -** :  
**BROOKLYN,** :

**Employer/Petitioner** :

**and** :

**Case No. 29-RM-126444**

**UNITED FEDERATION OF TEACHERS** :  
**UNION, LOCAL 2,** :

**Union** :  
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**PETITIONER'S BRIEF IN RESPONSE TO  
*AMICUS CURIAE* BRIEFS**

This document is submitted by Hyde Leadership Charter School - Brooklyn ("the Petitioner" or "Hyde") in response to the *amicus curiae* briefs filed by the American Federation of Teachers, AFL-CIO and the National Education Association ("AFT") and the Council of School Supervisors and Administrators, Local 1 ("CSA") filed in support of the Request for Review of the United Federation of Teachers (UFT) in the above-referenced matter.

**EMPLOYER'S POSITION**

On August 6, 2014, the National Labor Relations Board issued an order granting the CSA and AFT motions for Leave to File a Brief *Amicus Curiae*. The same order permitted briefs in response to be filed by August 20, 2014.

The *amici* briefs filed by the CSA and AFT attempt to create the appearance of a controversy in the above-referenced matter when in fact there is not one. The arguments presented in the *amici* briefs are similar to those raised by the UFT and must fail for the same reasons identified in the Employer's filings in this matter.

The *amici* briefs make much of the fact that there will be a lack of “uniformity” or potential “confusion” if the NLRB were to assert jurisdiction over charter schools in NY State. See CSA’s Amicus Brief at 9; and AFT’s Amicus Brief at 12-13. Essentially, the *amici* believe that it would be asymmetrical for the NLRB to extend jurisdiction over charter schools in NY since such schools are so closely related to the state. However, what the *amici* fail to recognize is the fact that charter schools in NY already lack symmetry.

For example, charter schools in NY are not required to pay uniform wages or benefits from one charter school to another. Therefore, charter schools in NY already lack symmetry as it relates to key terms and conditions of employment. This lack of symmetry would exist regardless of whether the NLRB extended jurisdiction over NY charter schools or not. Therefore, the *amici*’s argument that the Board should decline to take jurisdiction in this matter is irrelevant since the potential for confusion already exists as does the asymmetry.

For all the above-referenced reasons, and for the reasons listed in the Employer’s May 12, 2014 Post Hearing Brief and its July 2, 2014 Opposition to Union’s Request for Review, the Employer respectfully submits that the Board affirm the Regional Director and assert jurisdiction in the above-referenced matter.

DATED this 20<sup>th</sup> day of August 2014.

HYDE LEADERSHIP CHARTER SCHOOL-  
BROOKLYN.

By: 

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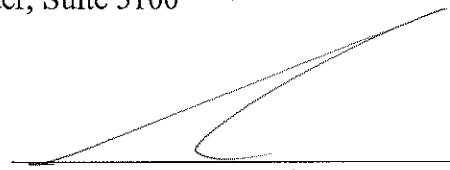
**Union** :  
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**CERTIFICATE OF SERVICE**

I hereby certify that today, August 20, 2014 a true and correct copy of the above  
has been served by mailing a copy of the same via Federal Express this date to the following:

Richard E. Casagrande, Esq.  
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James Paulsen  
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Region 29  
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Brooklyn, NY 1120

  
Steven J. Porzio

Dated: August 20, 2014